



U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ENTERED
TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.


United States Bankruptcy Judge

Signed February 25, 2011

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	CASE NO. 10-70376-hdh13
	§	
CYNTHIA LEE MATTHEWS	§	CHAPTER 13
Debtor	§	
	§	
WELLS FARGO FINANCIAL TEXAS, INC.	§	
Movant	§	
	§	
V.	§	
	§	
CYNTHIA LEE MATTHEWS and	§	
WALTER OCHESKEY, TRUSTEE	§	
Respondents	§	

AGREED ORDER CONDITIONALLY MODIFYING AUTOMATIC STAY

Came on before the Court for consideration the Motion For Relief From Stay of Act Against Property filed by WELLS FARGO FINANCIAL TEXAS, INC. and any response of Debtor. The Court finds that the parties have reached an agreement conditionally modifying the Automatic Stay of 11 U.S.C. §362, and it is accordingly:

ORDERED that pursuant to the terms of that one certain Promissory Note executed by the Debtor in favor of Movant, secured by a Deed of Trust encumbering the real property more fully described hereinafter, Debtor shall disburse directly to Movant, timely when due, each monthly installment that falls due on or after the first day of February 2011.

ORDERED that Debtor shall modify the Chapter 13 Plan to include arrearage of \$4,110.12 by March 30 2011. Said funds shall be applied to the post-petition mortgage installments for the months of August 2010, September 2010, October 2010, November 2010, December 2010 and January 2011, as well as attorney's fees and costs of \$500.00 and \$150.00 filing fee.

ORDERED that Debtor shall make all Trustee payments according to the Plan. Debtor shall keep all Trustee payments current.

ORDERED that the above-referenced mortgage installments and additional payments to bring arrearages current shall be made to the following address:

**WELLS FARGO FINANCIAL
4143 121ST STREET
URBANDALE, IA 50323**

ORDERED that Debtor shall provide to Movant, on or before March 15, 2011, proof of property insurance in an amount to sufficiently protect Movant's security interest in the Property. Failure to provide such proof shall be an event of default.

ORDERED that if Debtor defaults on any of the terms of this Order, Movant shall mail notice of default to the Debtor by certified mail, return receipt requested, and by regular mail. Unless the Debtor cures the default within fourteen (14) days of the date Movant mails the notice, the Automatic Stay of 11 U.S.C. §362 shall be and is hereby

ordered lifted with respect to Movant, its assignees and/or successors in interest. Movant shall send Notice of Default to Debtor on two occasions. Upon the third default by the Debtor to remit any of the payments referenced above, the Automatic Stay of 11 U.S.C. §362 shall be ordered lifted with respect to Movant without further notice to the Debtor. If Debtor defaults under the terms of the Order and the automatic stay is lifted, Movant, and its assignees and/or successors in interest, shall be excepted from the Automatic Stay and authorized to enforce its lien and to pursue its statutory and contractual remedies to gain possession of the following real property:

Property address: 212 N. POPLAR, ARCHER CITY, TEXAS 76351

Legal Description: SOUTH ONE HUNDRED SIXTY FEET (S/160') OF LOT NUMBER ONE (1), TWO (2) AND THREE (3) BLOCK NUMBER ONE HUNDRED AND TWO (102), ADDITION "B", AN ADDITION TO THE TOWN OF ARCHER CITY, ARCHER COUNTY, TEXAS, ACCORDING TO PLAT OF RECORD IN VOLUME Q, PAGE 55, ARCHER COUNTY PLAT RECORDS

ORDERED that in the event this case is dismissed, the Order shall be deemed null and void and neither party shall be bound by its terms.

Movant has complied with the notice requirements of Local Rule 4001.

Otherwise, the Automatic Stay of 11 U.S.C. §362 shall remain in effect.

**** END OF ORDER****

APPROVED AS TO
FORM AND CONTENT:

/s/R. Christoher Naylor
R. CHRISTOPHER NAYLOR
State Bar No. 14829900
KATHRYN B. DAVIS
State Bar No. 24050364

/s/Monte J. White
MONTE J. WHITE
Attorney for Debtors
State Bar No. _____
1106 BROOK AVE.

Attorneys for Movant
4801 Woodway, Suite 420 West
Houston, Texas 77056-1805
713/622-8338 (Phone)
713/622-4586 (Fax)

WICHITA FALLS, TEXAS 76301
940/723-0099 (Phone)
940/723-0096 (Fax)